

AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2006

Introduced by Assembly Member Keeley

February 18, 1998

An act to add Article 2.85 (commencing with Section 1647.10) to Chapter 4 of Division 2 of the Business and Professions Code, relating to oral conscious sedation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2006, as amended, Keeley. Dentistry: oral conscious sedation.

Existing law regulating dentistry prohibits any dentist from administering or supervising the administration of conscious sedation on an outpatient basis for dental patients unless they hold a valid general anesthesia permit or a permit issued by the Board of Dental Examiners authorizing the dentist to administer conscious sedation, or a permit.

This bill would prohibit any dentist from administering or supervising the administration of oral conscious sedation on a patient under 13 years of age unless the dentist holds a valid general anesthesia permit, a permit issued by the Board of Dental Examiners authorizing the dentist to administer conscious sedation, or obtains a certification in oral conscious sedation. This bill would also establish educational requirements, qualifications, and a fee for this certification.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 2.85 (commencing with Section 1647.10) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 2.85. Use of Oral Conscious Sedation for Pediatric Patients

1647.10. ~~(a)~~ As used in this article:

~~(1)~~

(a) "Oral conscious sedation" means a minimally depressed level of consciousness produced by oral medication that retains the patient's ability to maintain independently and continuously an airway, and respond appropriately to physical stimulation and verbal command.

~~(2)~~

(b) "Minor patient" means a dental patient under the age of 13 years.

~~(3) "Certification" means an individual~~

(c) "Certification" means the issuance of a certificate to a dentist licensed by the board who provides the board with his or her name, and the location where the administration of oral conscious sedation will occur, and fulfills the requirements specified in ~~Section 1647.12~~ Sections 1647.12 and 1647.13.

~~(b) The drugs and techniques used in oral conscious sedation shall have a margin of safety wide enough to render unintended loss of consciousness unlikely.~~

1647.11. (a) Notwithstanding subdivision (a) of Section 1647.1, ~~on or after January 1, 2000~~ after December 31, 1999, no dentist shall administer, ~~or order the administration of,~~ oral conscious sedation on an outpatient basis for a minor patient unless one of the following conditions is met:

(1) The dentist possesses a current license in good standing to practice dentistry in California and either holds a valid general anesthesia permit, conscious sedation permit, or ~~registers with the board that he or she~~

1 ~~administers~~ *has been certified by the board to administer*
2 *oral sedation to minor patients.*

3 (2) The dentist possesses a current permit issued
4 under Section 1638 or 1640 and either holds a valid
5 general anesthesia permit or conscious sedation permit or
6 possesses a certificate as a provider of oral conscious
7 sedation to minor patients *in compliance with, and*
8 *pursuant to, this article.*

9 (b) Certification as a provider of oral conscious
10 ~~sedation shall expire on the date specified in Section 1715~~
11 ~~which next occurs~~ *sedation to minor patients expires at*
12 *the same time the license or permit of the dentist expires*
13 *unless renewed at the same time the dentist's license or*
14 *permit is renewed* after its issuance, unless certification
15 is renewed as provided in this article.

16 (c) This article shall not apply to the administration of
17 local anesthesia, nitrous oxide general anesthesia, or to
18 the administration, dispensing, or prescription of
19 postoperative medications.

20 ~~(d) A dentist who administers, or who orders the~~
21 ~~administration of, oral conscious sedation for a minor~~
22 ~~patient shall be physically present in the treatment~~
23 ~~facility while the patient is sedated and shall be present~~
24 ~~until discharge of the patient from the facility.~~

25 1647.12. (a) A dentist who desires to administer, or
26 order the administration of, oral conscious sedation for
27 minor patients, shall register his or her name with the
28 board on a board-prescribed registration form. The
29 dentist shall submit the registration fee and evidence
30 showing that he or she satisfies any of the following
31 requirements:

32 (1) Satisfactory completion of a postgraduate program
33 in oral and maxillofacial surgery or pediatric dentistry at
34 a dental school approved by either the Commission on
35 Dental Accreditation or a comparable organization
36 approved by the board.

37 (2) Satisfactory completion of a general practice
38 residency or other advanced education in a general
39 dentistry program approved by the board.

1 (3) Satisfactory completion of a board-approved
2 educational program on oral medications and sedation.

3 (4) For a certificate applicant who has been using oral
4 conscious sedation in connection with the treatment of
5 minor patients prior to January 1, 1999, submission of
6 documentation *is as* required by the board of 10 cases in
7 a three-year period of oral conscious sedation
8 satisfactorily performed by the applicant on minor
9 patients.

10 1647.13. A certificate holder shall be required to
11 complete a minimum of 7 hours of approved courses of
12 study related to oral conscious sedation of minor patients
13 as a condition of certification renewal as an oral conscious
14 sedation provider. Those courses of study shall be
15 accredited toward any continuing education required by
16 the board pursuant to Section 1645.

17 1647.14. (a) A physical evaluation and medical
18 history shall be taken before the administration of, oral
19 conscious sedation to a minor. Any dentist who
20 administers, or orders the administration of, oral
21 conscious sedation to a minor shall maintain records of the
22 physical evaluation, medical history, and oral conscious
23 sedation procedures used as required by the board
24 regulations.

25 (b) *A dentist who administers, or who orders the*
26 *administration of, oral sedation for a minor patient shall*
27 *be physically present in the treatment facility while the*
28 *patient is sedated and shall be present until discharge of*
29 *the patient from the facility.*

30 (c) *The drugs and techniques used in oral conscious*
31 *sedation to minors shall have a margin of safety wide*
32 *enough to render unintended loss of consciousness*
33 *unlikely.*

34 1647.15. The fee for an application for initial
35 certification or renewal under this article shall not exceed
36 the amount necessary to cover ~~the cost to process these~~
37 ~~certifications.~~ *administration and enforcement costs*
38 *incurred by the board in carrying out this article. The*
39 *listed fee may be prorated based upon the date of the*
40 *renewal of the dentist's license or permit.*

1 1647.16. Any office in which oral conscious sedation of
2 minor patients is conducted pursuant to this article shall,
3 unless otherwise provided by law, meet the *facilities and*
4 *equipment* standards set forth by the board in regulation.

5 1647.17. A violation of any provision of this article
6 constitutes unprofessional conduct and is grounds for the
7 revocation or suspension of the dentist's permit,
8 certificate, license, or all three, or the dentist may be
9 reprimanded or placed on probation. The proceedings
10 under this section shall be conducted in accordance with
11 Chapter 5 (commencing with Section 11500) of Part I of
12 Division 3 of Title 2 of the Government Code, and the
13 board shall have all the powers granted therein.

